

MINUTES
VILLAGE OF LAKE PARK COUNCIL MEETING
3801 LAKE PARK ROAD, LAKE PARK, NC
REGULAR SESSION – 7:00 P.M.
MARCH 10, 2009

ATTENDING: Mayor Kendall Spence
Mayor Pro-Tem: Sandy Coughlin
Council Members: Greg Crosby, Virginia Currence,
Jo Waybright, Clint Newton
Finance Officer – Cheryl Bennett
Village Clerk/Tax Collector – Cheri Clark
Attorney Ken Swain

CALL TO ORDER: Mayor Kendall Spence called the Regular Session of the Village of Lake Park Council to order.

PLEDGE OF ALLEGIANCE: Mayor Kendall Spence led the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES: Jo Waybright made the motion to approve the February 10, 2009 Regular Session minutes as presented. Greg Crosby seconded the motion. Vote – Unanimous.

PUBLIC COMMENT:

Bonnie Grote with Girls on the Run of Union County discussed the 5K race scheduled to run in the VOLP on April 25th at 8:00 a.m. and the Kids' Health & Safety Fair sponsored by Carolina Medical Center - Union immediately following from nine until noon. Mrs. Grote requested that Meeting Street between Creft and Creft and Creft between Lake Park Road and Meeting Street be closed from 7 a.m. until noon on April 25th. Clint Newton made the motion that we close Creft between Lake Park Road and Meeting Street and Meeting Street between Creft and Creft for the Girls on the Run event April 25th from 7 a.m. to noon. Virginia Currence seconded the motion. Vote- Unanimous.

CHANGES TO THE AGENDA: Sandy Coughlin made the motion to accept the agenda as presented. Greg Crosby seconded the motion. Vote – Unanimous.

SECURITY: Deputy Haywood reported that there were 122 calls in the month of February. Alarm calls, improperly parked cars and traffic stops were 35% of the calls. After observing the two intersections, Mother Teresa and Conifer Circle and Balsam and Creft, a four way stop was recommended at Mother Teresa and Conifer Circle.

Clint Newton discussed the August 4th National Night Out and the possibility of moving the event. Captain Easley explained that in order for the event to be a part of National Night Out, it has to be held on the designated date. Clint Newton suggested that since Fourth of July is a month before National Night Out that maybe we should consider hosting the event in conjunction with either the Fall Festival or the Kite Festival. At this point it was determined to not have the National Night Out in 2009.

Mr. Bill Parker addressed Captain Easley concerning the Indian Trail substation and whether or not the contract officers help out in both Indian Trail and Lake Park. Greg Crosby requested information on gang activity in Union County. Union County has two full time gang officers that address any type of gang activity. Sandy Coughlin thanked Captain Easley for the sheriff's department's assistance in help Central Academy at Lake Park find their no trespassing signs.

Captain Easley provided a new website that residents can go on to stay current with criminal activity going on in Union County – www.ucso.us.

FINANCE OFFICER'S MONTHLY REPORT: Cheryl Bennett presented the budget for Council review. The Sales and Use Tax continues to run low.

	<u>Feb 09</u>	<u>Jul '08 - Feb 09</u>	<u>Budget</u>	<u>% of Budget</u>
General fund				
Revenues				
Other revenues				
Payment Kirby park sidewalk	0.00	16,314.95	4,500.00	362.55%
Approp. Fund Balance	0.00	0.00	52,122.00	0.0%
National Night Out	0.00	320.00	4,890.00	6.54%
Civil Penalties	50.00	50.00	200.00	25.0%
Investment revenue	314.35	6,804.26	21,000.00	32.4%
Miscellaneous	0.00	1,154.00	600.00	192.33%
Total Other revenues	364.35	24,643.21	83,312.00	29.58%
Other Taxes				
Cable franchise-from Time Warne	810.00	1,570.00	2,800.00	56.07%
Total Other Taxes	810.00	1,570.00	2,800.00	56.07%
Parks & Recreation Revenue				
Recreation Program Fees	40.00	998.70	200.00	499.35%
Community Center rental	55.00	1,935.00	2,800.00	69.11%
Gazebo rental	0.00	60.00	400.00	15.0%
Recreation concession sales	0.00	0.00	800.00	0.0%
Recreation daily swim fees	0.00	3,571.84	6,200.00	57.61%
Recreation season pass fees	0.00	2,027.00	50,000.00	4.05%
Total Parks & Recreation Revenue	95.00	8,592.54	60,400.00	14.23%
Property Taxes				
Ad valorem current year	1,628.55	471,756.90	477,784.00	98.74%
Ad valorem prior years	303.07	8,257.07	4,200.00	196.6%
Late fees (ad)	0.00	102.49	92.00	111.4%
Motor vehicle tax	3,212.54	29,735.77	51,010.00	58.29%
Penalties and interest	95.70	1,700.39	1,250.00	136.03%
Utility ad valorem	0.00	6,519.98	7,000.00	93.14%
Total Property Taxes	5,239.86	518,072.60	541,336.00	95.7%
State Shared Revenues				
Solid Waste Disposal Tax	455.69	455.69		
Telecom. Franchise	0.00	271.00	600.00	45.17%
Piped Gas	0.00	537.00	1,400.00	38.36%
Elec. franchise tax	0.00	18,330.08	70,000.00	26.19%

Cable Rev. (from State)	0.00	5,855.60	18,000.00	32.53%
Sales and use tax	11,162.13	63,318.04	190,000.00	33.33%
Utility franchise	0.00	0.00	0.00	0.0%
Total State Shared Revenues	11,617.82	88,767.41	280,000.00	31.7%
Total Revenues	18,127.03	641,645.76	967,848.00	66.3%
Expense				
Capital Outlay				
Community Center Addition	0.00	2,500.00	4,500.00	55.56%
Capital Outlay Exp.	0.00	1,100.00	10,000.00	11.0%
Reserve for Capital Replacement	0.00	0.00	10,000.00	0.0%
Total Capital Outlay	0.00	3,600.00	24,500.00	14.69%
General Administrative Expenses				
Adm Assistant	0.00	144.00	600.00	24.0%
Clerk/Tax Collector	3,565.42	28,523.36	42,785.00	66.67%
Council	0.00	5,500.00	11,000.00	50.0%
Finance Officer	855.83	6,846.64	10,270.00	66.67%
Mayor	0.00	1,500.00	3,000.00	50.0%
Payroll Expenses	338.22	3,252.29	5,400.00	60.23%
Total General Administrative Expenses	4,759.47	45,766.29	73,055.00	62.65%
Maintenance of Common Areas				
Landscaping	10,800.00	100,224.00	165,000.00	60.74%
Park maintenance	208.00	13,957.34	33,500.00	41.66%
Pond maintenance	0.00	8,340.00	10,000.00	83.4%
Total Maintenance of Common Areas	11,008.00	122,521.34	208,500.00	58.76%
Operating Costs				
Advertising	0.00	40.42	400.00	10.11%
Association dues	0.00	2,880.00	2,880.00	100.0%
Bank charges	0.00	0.00	20.00	0.0%
Elections	0.00	560.25	800.00	70.03%
Insurance/bonds	0.00	8,683.08	9,800.00	88.6%
Miscellaneous oper. exp.	0.00	80.96	630.00	12.85%
Newsletter/website/flyers	171.25	1,195.20	2,700.00	44.27%
Office	0.00	1,369.30	7,100.00	19.29%
Postage	1.00	278.23	300.00	92.74%
Tax collection	0.00	1,265.88	1,270.00	99.68%
Telephone	217.72	1,830.93	2,900.00	63.14%
Training	0.00	150.00	800.00	18.75%
Travel	0.00	23.24	500.00	4.65%
Total Operating Costs	389.97	18,357.49	30,100.00	60.99%
Other Expenditures				

Economic Development	0.00	691.27	2,500.00	27.65%
Contingency	0.00	0.00	8,000.00	0.0%
Stormwater Fee	<u>0.00</u>	<u>1,990.00</u>	<u>12,000.00</u>	<u>16.58%</u>
Total Other Expenditures	0.00	2,681.27	22,500.00	11.92%
Parks & Recreation				
Pool Operations	0.00	160.99	1,000.00	16.1%
Comm. center maintenance	958.72	4,466.26	8,919.00	50.08%
Seasonal Decorations	1,423.00	12,487.42	12,000.00	104.06%
Natural Gas	186.60	653.70	1,200.00	54.48%
Pool maintenance	0.00	5,511.99	21,500.00	25.64%
Pool management fee	0.00	19,286.50	46,880.00	41.14%
Events/Recreation programs	0.00	1,648.89	2,300.00	71.69%
Storage Rental	0.00	1,193.40	1,194.00	99.95%
Water/Sewer	<u>58.56</u>	<u>1,356.31</u>	<u>3,000.00</u>	<u>45.21%</u>
Total Parks & Recreation	2,626.88	46,765.46	97,993.00	47.72%
Professional Fees				
Engineering Fees	0.00	0.00	2,500.00	0.0%
Accountant	0.00	4,100.00	4,200.00	97.62%
Legal Counsel	<u>0.00</u>	<u>7,124.94</u>	<u>10,000.00</u>	<u>71.25%</u>
Total Professional Fees	0.00	11,224.94	16,700.00	67.22%
Public Services/Safety				
Street Signs	150.00	1,680.00	3,500.00	48.0%
National Night Out	0.00	1,485.88	7,000.00	21.23%
Community Watch	0.00	0.00	1,000.00	0.0%
Garbage collection	21,245.59	148,043.86	257,000.00	57.61%
Law enforcement	0.00	99,538.50	133,000.00	74.84%
Street Lights	<u>7,778.02</u>	<u>64,638.75</u>	<u>93,000.00</u>	<u>69.5%</u>
Total Public Services/Safety	<u>29,173.61</u>	<u>315,386.99</u>	<u>494,500.00</u>	<u>63.78%</u>
Total Expense	<u>47,957.93</u>	<u>566,303.78</u>	<u>967,848.00</u>	<u>58.51%</u>
Excess of Rev. over Exp.	29,830.90	75,341.98	0.00	100.0%
Powell Bill				
Other Income				
Fund Bal. from Powell Bill	0.00	0.00	112,624.00	0.0%
Interest - Powell Funds	46.44	428.32	400.00	107.08%
Powell Bill Revenue	<u>0.00</u>	<u>96,089.45</u>	<u>96,089.00</u>	<u>100.0%</u>
Total Other Income	46.44	96,517.77	209,113.00	46.16%
Other Expense				
Street Exp. - Powell Bill	<u>174.00</u>	<u>93,709.97</u>	<u>209,113.00</u>	<u>44.81%</u>
Total Other Expense	<u>174.00</u>	<u>93,709.97</u>	<u>209,113.00</u>	<u>44.81%</u>
Net Powell Bill	-127.56	2,807.80	0.00	100.0%

	<u>-</u>	<u>78,149.78</u>	<u>0.00</u>	<u>100.0%</u>
Net Excess of Rev. over Exp.	<u>29,958.46</u>			

Jo Waybright requested a budget transfer from Park Maintenance to Seasonal Decorations and Cheri Clark requested additional postage money from Office Expense. Virginia Currence requested a budget amendment to move \$1,000 from Park Maintenance to Pond Maintenance. Cheryl Bennett will prepare a budget amendment for April.

Cheryl Bennett stated that the Solid Waste Disposal Tax (tipping fee) - \$455. 69 had been received. Greg Crosby inquired if this was the money that Action Garbage had requested to be refunded to them. The tipping fee is in fact the money that Mr. O’Neal requested be refunded to Action Garbage. Sandy Coughlin stated that the VOLP needs to stand by the contract. The fee will be just another item that will need to be discussed when the contract is up for renewal.

TAX OFFICER’S REPORT: Ninety nine percent of the tax ad valorem has been collected. Letters of notification for delinquent tax publication have been sent. The billing information for the stormwater billing on the tax bills has been provided to Union County.

PUBLIC SERVICES (Waste Collection & Electric): Sandy Coughlin stated that Action Garbage has billed yard waste for the new townhomes. There will be a credit on the next invoice.

Clint Newton reported that the light pole in front of the Community Center has to be manufactured and therefore the replacement time has been longer than expected. It takes 8 to 10 weeks to manufacture the new pole. The two vandalized lights in Veterans Pond have been replaced. If you see a light that is out, please send either myself or Cheri an e-mail.

COMMUNICATION: Greg Crosby asked that all articles for the next Villager be submitted by March 13th. Articles for the March newsletter will include topics such as: the new website address for the Sheriff’s office, information concerning Lake Charles, reminder about the skateboard ordinance, stormwater article on dog waste, part two of the VOLP municipal responsibilities and information on the new four way stop at Conifer and Mother Theresa. Jo Waybright requested that the information concerning the differences between the VOLP and the HOA be written from the standpoint of what is and what is not the responsibility of the town. The VOLP does not want to be telling the HOA what they need to be doing.

Greg Crosby has also posted on the website the 2008 Parks and Recreation minutes and the current Council minutes. Parks and Rec requested that the 2009 Pool Membership information and members of the commission be posted on the website.

Mayor Kendall Spence thanked Greg Crosby for all of his time and work on the newsletter each month and the website.

PARK AND RECREATION: Jo Waybright discussed the 2009 Pool Membership Fees. Due to the current economy Parks and Rec would like to see the rates remain the same for another year. There are a few changes: 1. Over 75 non-resident - \$50.00 and 2. Walk-up (Not a guest of a Pass Holder) - \$7.50. Jo Waybright made the motion to ask Council to approve the 2009 proposed membership rates. Clint Newton seconded the motion. Vote – Unanimous.

POOL MEMBERSHIP

2009



The Village of Lake Park Paul Wolfcale Recreation Complex Pool Opens on Saturday, May 23, 2009 at 10:00 A.M.

Season Passes Paid On Or By May 16, 2009 Receive
Five Free Daily Use Passes! Memberships can be processed and picked up on Saturday, May
16th from 9a.m. to Noon at the Community Center – 3801 Lake Park Road.

2009 Pool Membership Rates

<i>Season Pass</i>	<i>Residents</i>	<i>Non-Residents</i>
Individual	\$121.00	\$182.00
Couple	\$182.00	\$242.00
One Parent/One Child	\$182.00	\$242.00
Family	\$242.00	\$302.00
Senior Couple (55 & over)	\$156.00	\$182.00
Senior Individual (55 & over)	\$80.00	\$ 90.00
Senior (75 & over)	Free	\$ 50.00

Daily Use Pass

Guest of a Season Pass Holder **\$6.50/person/day**

Walk-up (Not guest of a Pass Holder) **\$7.50/person/day**

Guest Pass (For out of town guests of Season Pass Holder)* **\$33.00**

*Must be accompanied by Season Pass Holder and is valid for seven entries into the pool.

Children, under 3 years of age and accompanied by an adult, are free.

**Valid passes must be shown at every visit; a daily fee will apply
to anyone who arrives without their pass!**

**Village of Lake Park
Parks & Recreation Commission**

Summer, 2009 Registration Form

Name _____ Spouse _____

Address _____ Home Phone Number _____

City/State/Zip _____ Cell Phone Number _____

List other Dependents living at this address and using the Lake Park pool facilities.

*** Dependent: Individual claimed on the Primary member's taxes or insurance.**

Children's Names	Relationship	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Emergency Contact

Name _____ Phone Number _____

Relationship _____

Please list any physical conditions that the Pool Management Co. should be aware of within your family.

Please see Membership Category Descriptions for information on the types of memberships that are available. By signing this application, the candidate understands and agrees to abide by the rules and regulations of the Village of Lake Park, the Parks and Recreation Commission, Carolina Pool Management and Lifeguards and will be responsible for family members and guests observing the same. Without a signed application, a pool membership cannot be processed.

Make check payable to *The Village of Lake Park* prior to June 1, 2009. After June 1st, only cash or money order will be accepted. If mailing the form please send to: The Village of Lake Park, Attn: Parks & Recreation, P. O. Box 219, Indian Trail, NC 28079. For pool member processing while you wait – please come by 3801 Lake Park Road between 9 and noon, Monday – Friday. For information, please call 704-882-8657.

Signature _____

Jo Waybright also requested that Council please review changes to the Parks Policy and Reservation Guidelines for adoption next month. A few of the changes for Council review are:

1. Membership Category Description Policy for the pool.
2. Reservation Process Items: Lake Park Reservation Application Form.
3. Fishing Permit updates.

Virginia Currence stated that the fountains at the clock tower are not working but she will look into the problem. Greg Crosby stated that the fountains are controlled by the main breaker which was not working at the February Council meeting. Jo Waybright will address the situation with Spence Electric. Based upon the information provided concerning our fountains in the storm retention ponds, the only way the fountains will be a success in Lake Park will be to have the pumps installed on the banks.

Virginia Currence thanked Johanna Miller and her husband for anchoring the benches in Founder's Park. Lucas Landscaping will up fit the mulch at all of the playgrounds. Virginia Currence expressed her concerns about the new daycare facility's silt fence and parking lot drainage. Cheri Clark will contact Lee Jenson with the county concerning the water quality and the effects of the drainage at the front entrance pond. Virginia Currence then made a motion to spend \$1250.00 with Carolina Wetlands for the stimulus application for the proposed repairs to Lake Charles. Jo Waybright seconded the motion. Vote – Unanimous.

Virginia Currence plans to have the Common Area Task Force report ready for review before the end of the month and will e-mail a copy of the report to each Council member for review. Greg Crosby asked Virginia Currence if she was expecting any immediate action from Council concerning the report. The report is a 5 to 10 year plan for the VOLP however; Lake Charles has to be repaired as soon as possible. Virginia Currence has met with one company concerning the pond; another company was suppose to meet with her yesterday but did not show up. Virginia Currence has a quote from Lucas but she is going to talk with Eagle Engineering to see if they would consult with Lucas to insure the slope of the pond. Virginia Currence made a motion for Parks and Rec to spend up to \$1,000 to consult with Eagle Engineering on Lake Charles. Clint Newton seconded the motion. Under discussion, Sandy Coughlin asked what would prevent further erosion of the Lake Charles shoreline. Virginia Currence stated that new slope of the pond; fabric wire and stones would prevent further erosion. Vote – Unanimous. Cheryl Bennett reminded Parks and Rec to have a written record of the quotes on file with the Clerk per the informal bidding requirements.

The U.S. Fish and Wildlife Service resident Canada Goose Nest & Egg permit has been applied for and received for the federal permit to addle Canada Geese eggs. Nesting habits are being observed by volunteers. Parks and Rec

Parks and Rec has decided to use Carolina Pool Management for the Virginia Graeme Baker Pool and Spa work that has to be completed prior to pool season this year. The second bid on the project came in 38% higher than Carolina Pool Management. Work on the pools should begin in the next two weeks.

Mayor Kendall Spence talked about the Community Center expansion. After Council discussion, a public hearing will be scheduled prior to the April Council meeting at 7:00 p.m. for citizens of Lake Park to express their opinions concerning the project. A flyer will be attached to the March newsletter inviting residents to voice their opinions. Sandy Coughlin made a motion to hold the Public Hearing at 7:00 p.m. on April 14th, prior to the Council meeting. Virginia Currence seconded the motion. Vote – Unanimous.

If the Council decides to move forward with the project, contractors must make good faith efforts to solicit participation by historically underutilized businesses (HUB). G.S. 143:128.2. The North Carolina General Statutes require local governments in North Carolina to adopt goals for participation by minority and women owned businesses (HUB) for each building project costing \$300,000 or more, if no state money is involved and for each building project costing \$100,000 or more, if any state money is involved. State agencies and

departments are required to use a 10% participation goal. G.S. 143-128.2(a). For building projects that don't involve state money, local governments must adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by HUBs. G.S. 143-128.2(a). Clint Newton made the motion to call for a public hearing for historically underutilized businesses (HUD). Greg Crosby seconded the motion. Vote – Unanimous.

STORMWATER: Mayor Kendall Spence requested a motion to pay M.J. Namin, the Stormwater Administrator, \$1,330.00 to complete the Stormwater Management Program Assessment. Jo Waybright made the motion to pay M.J. Namin \$1,330.00 for work on the stormwater report. Greg Crosby seconded the motion. Vote – Unanimous.

Cheri Clark discussed the Centralina Council of Governments Regional Stormwater Partnership. The partnership is comprised of Phase II stormwater communities in the Greater Charlotte Region. The VOLP dues will be \$250 for 2009. Greg Crosby made the motion for the VOLP to join the Regional Stormwater Partnership. Sandy Coughlin seconded the motion. Vote – Unanimous.

Council discussed the implementation of the commercial flat rates on tax parcels based on staff understanding of the process. Any commercial tax parcel with impervious surface will receive the \$200 stormwater fee. Council recognizes that the rate will not be applied based on size or value the first year.

STREET BUSINESS: Mayor Kendall Spence met with three paving companies: McCollum & Associates, Paving; Boggs Paving; and Gelder-Thompson. Gelder Thompson did not submit a quote for the paving or repair work in the VOLP. Along with the quotes, Mayor Kendall Spence requested from Eagle Engineering a quote for the material testing services during the asphalt paving - \$1,900.00. Paving quotes were as follows: Boggs Paving - \$92,320.00 and McCollum & Associates - \$97,021.50. Virginia Currence made the motion to contract with Boggs Paving up to \$95,000 to complete the next phase of paving, repairs and sidewalk maintenance. Sandy Coughlin seconded the motion. Vote – Unanimous. Sandy Coughlin made the motion to contract with Eagle Engineering for material testing services - \$1900.00. Clint Newton seconded the motion. Vote – Unanimous.

Attorney Ken Swain wrote two separate divisions of Wachovia Bank concerning the two abandoned Cypress Homes. To date we have had no response from Wachovia concerning the matter. Ken Swain suggested we discuss the abandonments with the county to determine a precedent or possible action. Cheri Clark will contact the county.

Council discussed creating a four way stop at the intersection of Mother Theresa and Conifer due to safety concerns by the playground and the amount of traffic utilizing the Carol Street exit. Sandy Coughlin stated that she had no strong feeling one way or another as to the need for the four way stop. Virginia Currence expressed her concerns about the traffic with several bus stops at the corner, the rate of speed in the area and the safety of pedestrians. Jo Waybright made the motion to create a four way stop no to exceed \$600. Clint Newton seconded the motion. Under discussion, Mayor Kendall Spence suggested that the stop signs be installed around March 30th, after the newsletter had been distributed. Vote – Unanimous.

ECONOMIC DEVELOPMENT: The Economic Development Workshop will be March 24th at 6:00 p.m. Three businesses will be on the tour: Ms. Dee Dee's, Image Salon & Spa and Lighthouse Daycare. The EDC is working to provide insights and support for each of the businesses in the VOLP. Every business has a few characteristics in common with each other.

Stew MacLean with the Architectural Review Committee, reminded the EDC that the VOLP is a residential community and as such, businesses that are operated out of a home are becoming a problem. Businesses that spill out on to their property and/or into the street affect the property values in the area and are not ascetically

desirable. Mayor Kendall Spence stated that the EDC for the most part addresses businesses in Town Center. Sandy Coughlin shared that a lot of entrepreneurs do start out in their homes. She also recalled that if the CCRs governing those neighborhoods contain restrictions on home businesses that their HOA board may be successful in following standard procedures to correct a violation. The Lake Park Townhome Association board and management company were instrumental in removing an at-home golf ball recycling operation that a resident was running from his garage in 2007. Point being that HOA's may provide recourse if and when an in-home operation creates a violation.

Attorney Ken Swain presented a resolution to request that Union County adopt sidewalk construction requirements for the VOLP to Council for future consideration.

SET AGENDA FOR APRIL 14, 2009: Add: Public Hearing: Community Center Renovation. Add: Public Hearing: Historically Underutilized Businesses

COUNCIL COMMENTS:

Virginia Currence thanked Cheryl Bennett and Cheri Clark for all that they do over and beyond for the VOLP. Jo Waybright stated that Wal-Mart does not carry the clear plastic yard waste bags. Sandy Coughlin thanked the Parks and Recreation Commission for their dedication and hard work.

ADJOURN: Clint Newton made a motion to adjourn the meeting. Jo Waybright seconded the motion. Vote – Unanimous.

Respectfully submitted,

Mayor Kendall Spence

Village Clerk, Cheri Clark